

State of California
Department of Water Resources

Encroachment Permit
Frequently Asked Questions

1. What is an Encroachment Permit?

An encroachment permit is permission granted by the State of California, Department of Water Resources (DWR) to construct works within the State's right of way. Permission is only granted for those activities which do not damage or interfere with DWR's operations. An encroachment permit does not grant a permanent right and is revocable.

2. How do I know if I need an Encroachment Permit?

Individuals, contractors, corporations, utilities, cities, counties, and other governmental entities proposing to construct within, under or over the State's right of way must first obtain an approved encroachment permit from DWR. Encroachment permits are issued for a variety of construction activities from paving a driveway to the installation of an underground utility. No construction can proceed within the State's right of way without the prior review and written approval of DWR. (Water Code 12899.1)

3. Why does DWR issue Encroachment Permits?

DWR is responsible for the operation and maintenance of the State Water Project (SWP), a water delivery system which traverses two-thirds of the State of California. The SWP consists of approximately 700 miles of canals, pipelines, dams, reservoirs, pumping plants and power plants which provides water to 23 million Californians and 755,000 acres of irrigated farmland through contracts with 29 public agencies called the State Water Contractors. The service areas of these contracting agencies extend from Plumas County in northern California to San Diego County in southern California.

Inappropriate activities within and in close proximity to the SWP can be damaging, costly and life-threatening. The encroachment permit serves as the primary means for monitoring the orderly and controlled construction, operation and maintenance of improvements within the State's right of way, while assuring the protection, continued operation and delivery of water through the SWP.

4. Where can I obtain an Encroachment Permit Application and get more information about the permit process?

A prospective applicant can call DWR's Encroachment Permit Office in Sacramento tollfree at (800) 600-4397. In addition, a copy of the DWR's Encroachment Permit Application, Encroachment Permit Guidelines and Standard Provisions are available from DWR's website at:

http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_Rel/index.cfm

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5. How do I apply for an Encroachment Permit?

A permit application must be filled out completely, signed and submitted to DWR's Division of Engineering Real Estate Branch, along with a cash deposit, six sets of detailed construction plans, calculations, and specifications; evidence of environmental compliance, reports and all supporting documentation that fully details the proposed work or activity. Send the completed encroachment permit application, plans and supporting documents to:

**Division of Engineering
Encroachment Permit Section
CA Department of Water Resources
P.O. Box 942836
1416 9th Street, Room 425
Sacramento, California 94236-0001**

6. How long does it take DWR to issue an Encroachment Permit?

Water Code 12899.1 (e) requires DWR to issue or deny a permit within 60 days of receipt of a fully completed application as determined by DWR. Following completion of the review, the permit will be issued, more information will be requested, or the permit request will be denied.

The key is to submit a complete application and all the necessary supporting documents which address all the aspects of the proposed work or activity in conformance with DWR's Encroachment Permit Guidelines. For simple activities, a permit can be issued within 60 days if the application package is complete and CEQA compliance is met. For complex and/or larger projects, there may be several iterations of plan review that are required before a permit can be issued. In these cases, a letter is sent requesting additional information from the applicant.

7. Will I need other permits?

It is the applicant's responsibility to contact all other permitting and regulatory agencies to obtain the necessary permits to construct the work.

8. What happens if I begin work within the State's right of way without a DWR Encroachment Permit?

Any person who constructs works within the State's right of way without an approved Encroachment Permit from DWR can be found guilty of a misdemeanor and can be fined up to \$1,000 a day, including fines and attorney's fees. (Water Code 12899)